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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,444	09/08/2003	Bevan D. Suits	17272-0024	4735

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/658,444

Applicant(s)

SUITS, BEVAN D.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is suggested that claim 20 is amended to be dependent form on claim 19.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8, 10 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, a "system" is being recited; however, however, it appears that the system would reasonably be interpreted by one of ordinary skill in the art as software, per se. As such, it is believed that the system of claim 1 is reasonably interpreted as functional descriptive material, per se.

As to claim 19, a "computer program product" and a "computer usable medium" are being recited; however, Applicant's specification provides no explicit and deliberate definition of the computer usable medium; and it appears that such would reasonably be interpreted as not being limited to just physical storage medium. In addition, there is no recited step that actually performs the execution of "computer readable code" embodied in the medium. This subject matter is not

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limited to that which falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claims 2-8 and 10 fail to resolve the deficiencies of claim 1 and therefore are being rejected as incorporating the deficiencies of a claim 1 upon which it depends.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2, 4-8, 11-13 and 15-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Sign Builder 2.0 (printed captured images from St. Claire Inc web site, page 1-10; hereinafter Sign Builder).

As to claim 1, Sign Builder teaches:

A signage producing system (e.g., see pages 1 and 3), comprising:

at least one graphic selection interface, wherein said at least one graphic selection interface is operable to permit a user to identify at least one sign graphic (e.g., see page 3);

at least one database, wherein the at least one database is operable to store the at least one sign graphic and at least one sign template (e.g., a program or file where sign layout, sign header and pictogram option are stored, see pages 3 and 5-6); and

a signage application, wherein the signage application is operable to generate a sign by populating the at least one sign template with the at least one sign graphic (e.g., a sign generator is called when the user select 'Build' button, see pages 3 and 9-10).

As to claims 11 and 19, Sign Builder teaches: A computer program product for producing a sign, said computer program product (e.g., see pages 1 and 3) comprising:

a computer usable medium having computer-readable code means embodied in said medium, said computer-readable code means comprising computer readable code means (e.g., safety sign builder 2.0 is installed in a web server, see page 3) for:

identifying at least one sign graphic (e.g., see page 3);

retrieving at least one sign template, wherein the at least one sign template dictates the design of a sign (e.g., sign layout and color as shown in page 3); and

generating a sign by populating the at least one sign template with the at least one graphic selection (e.g., selecting "Build" button in page 3 causes sign generator to be executed, see page 9-10).

As to claims 2 and 16, Sign Builder further teaches wherein the at least one graphic selection interface is further operable to display multiple sign graphics (e.g., see pages 3-6).

As to claim 4, Sign Builder further teaches at least one sign interface, wherein said sign interface is operable to display a plurality of signs generated by the user (e.g., see pages 7-10).

As to claim 5, Sign Builder further teaches wherein the at least one sign interface is operable to receive a selection from a user, said selection modifying the sign generated by the signage application (e.g., see page 3).

As to claim 6, Sign Builder further teaches wherein the at least one sign interface comprises at least one selection box, wherein said at least one selection box indicates whether the at least one sign graphic is included on the sign (e.g., see page 3).

As to claim 7, Sign Builder further teaches comprising a user, wherein the user is in communication with the at least one graphic selection interface via a network (e.g., a user using Internet browser to access a web site where the program for Sign Builder is provided, see pages 1 and 2).

As to claims 8 and 17, Sign Builder further teaches comprising a sign preview interface, wherein said sign preview interface is operable to display said sign generated by said signage application (e.g., see pages 7-10).

As to claim 12, Sign Builder further teaches the step of associating at least one person with the sign (e.g., see pages 3 and 10).

As to claim 13, Sign Builder further teaches the step retrieving the at least one sign graphic from a database (e.g., see pages 3-8).

As to claim 15, Sign Builder further the step of altering said sign by altering said sign template (e.g., see page 3).

As to claim 18, Sign Builder further teaches the step of printing the generated sign (e.g., see page 10).

As to claim 20, Sign Builder further comprising computer readable code means for providing a user interface, said user interface permitting a user to identify the at least one sign graphic (e.g., see pages 3-8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sign Builder in view of Davenport et al (Pub No US 2004/0103431 A1; hereinafter Davenport).

As to claim 10, Sign Builder teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Sign Builder teaches an interface that allows personnel interface to be input into a sign and displayed in a generated sign (e.g., see pages 3 and 10). Sign Builder fails to teach that a personnel interface is operable to display personnel associated with the sign. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented a personnel interface in the Sign Builder interface in view of Sign Builder because Sign Builder suggests to the skilled artisan that customs signs and visual aids can address any manufacturing and safety concerns and are produced to customers specifications to accommodate even the most unique situations (e.g., see Sign Builder page 1). In addition, Davenport teaches an interface for displaying an electronic label for a room that associates a contact information to a sign for a specific room (e.g., see Davenport Fig. 5-6 and [0081]). The motivation is to quickly provide key information to emergency staff (e.g., see Davenport [0008]).

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7. Claims 3, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sign Builder in view of von Rosen et al (Patent No US 6493677 B1; hereinafter von Rosen).

As to claims 3 and 14, Sign Builder teaches the limitations of claims 1 and 11 for the same reasons as discussed with respect to claims 1 and 11 above. However, Sign Builder fails to teach receiving at least one sign graphics from the user.

In the same field of endeavor of generating a sign or label (e.g., see von Rosen Fig 2 and Fig. 6), von Rosen teaches at least one graphic selection interface is further operable to receive at least one sign graphic from the user (e.g., see Fig. 8A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the interface of allowing a user to upload his/her own photo or artwork for a customized labels or signs as taught by von Rosen to the system of producing a sign as taught by Sign Builder; the motivation is to allows a user to easily and conveniently create a label or sign personalized to their own tastes (e.g., see von Rosen col. 1 lines 50-60).

As to claim 9, Sign Builder teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Sign Builder further teaches allowing a generated sign to be printed (e.g., see page 10); however, Sign Builder does not expressly mention a printer. Von Rosen teaches comprising a printer for printing said sign (e.g., see Fig. 2 item 46). Thus, combining Sign Builder and von Rosen would meet the claimed limitations for the same reason as discussed with claims 3 above.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
Art Unit 2179

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